

A.C.O.T.S.

IBLA 81-853, 81-878, 81-879  
81-954, 81-971, 81-972,  
81-1000

Decided February 24, 1982

Appeals from decisions of the Medford District Office, Bureau of Land Management, to offer various timber tracts for sale.

Affirmed.

1. Timber Sales and Disposals

A BLM decision to proceed with a proposed timber sale, when reached after consideration of all relevant factors and supported by the record, will not be disturbed absent a showing that the decision is clearly erroneous.

APPEARANCES: Christopher Bratt, Chairman, Applegate Citizens Opposed to Toxic Sprays; Hugh R. Shera, District Manager, and Wayne A. Boden, Acting District Manager, Medford District Office, Bureau of Land Management; Southern Oregon Timber Industries Association, Intervenor.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Applegate Citizens Opposed to Toxic Sprays (A.C.O.T.S.) appeals the denial by the Medford District Office of the Bureau of Land Management (BLM) of its protests of various dates against the BLM decision to offer certain tracts in a timber sale. 1/ We have consolidated these appeals sua sponte.

<u>1/</u>	<u>IBLA Docket</u>	<u>Contract</u>	<u>Date of BLM Decision</u>
	<u>Number</u>	<u>Number</u>	<u>Denying Protest</u>
	81-853	OR 110-TS1-77	May 27, 1981
	81-878	OR 110-TS1-89	May 26, 1981
	81-879	OR 110-TS1-90	May 22, 1981
	81-954	OR 110-TS1-131	July 21, 1981
	81-971	OR-110-TS1-133	July 14, 1981
	81-972	OR-110-TS1-132	July 21, 1981
	81-1000	OR-110-TS1-109	July 28, 1981

Appellant raises many contentions regarding each timber sale, including some that we have addressed in deciding earlier appeals by A.C.O.T.S., see A.C.O.T.S., 60 IBLA 1 (1981), and which we find unnecessary to discuss again. BLM has filed answers responding to each specific contention raised by appellant's statement of reasons. We have considered the arguments presented by each side, and conclude that BLM's decisions respecting these timber sales are supported by the record and not clearly erroneous. In A.C.O.T.S., supra at 5, we said that "so long as the BLM policy or implementing action is based on a consideration of all relevant factors and is supported by the record, we will not disturb it absent a clear showing that it is contrary to statute or regulation or otherwise erroneous." BLM is obliged to follow the requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1702 and 1732(a) (1976), respecting the implementation of the principles of "multiple use" and "sustained yield." However, those concepts require BLM's latitude and discretion in their implementation. Id. Mere disagreement with BLM policies or actions, even though the position of disagreement may have arguable basis, does not alter the Board's general obligation to rely upon BLM's expertise and to give deference to the action it takes pursuant to defined statutory authority, where BLM's determinations are supportable.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed are affirmed.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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C. Randall Grant, Jr.  
Administrative Judge

